

HOUSE BILL 3430

By Tidwell

AN ACT to repeal Chapter 575 of the Private Acts of 1945, as amended by Chapter 274 of the Private Acts of 1947, Chapter 42 of the Private Acts of 1947, Chapter 905 of the Private Acts of 1949, Chapter 331 of the Private Acts of 1957, Chapter 184 of the Private Acts of 1961, Chapter 185 of the Private Acts of 1961, Chapter 49 of the Private Acts of 1969, Chapter 246 of the Private Acts of 1970, Chapter 273 of the Private Acts of 1978 and Chapter 170 of the Private Acts of 1984, and any other acts amendatory thereto, relative to continuing the corporate existence of the city of Parsons, Tennessee, providing a complete new Charter of said corporation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Name, power to sue and be sued, etc. That the City of Parsons, Tennessee, shall continue as a body politic and corporate by the name and style of Parsons, Tennessee, and this Act shall constitute its complete Charter. The City of Parsons shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever and may have and use a common seal and change it at pleasure.

Section 2. Definitions. That as used in this Charter the following words and terms shall have the following meaning:

(a) "City" shall mean the City of Parsons.

(b) "Council" and "city council" shall mean the legislative body of the city, which shall be composed of seven (7) councilmen elected as provided in this Charter, and any incumbent aldermen until the expiration of their current terms of office.

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(c) "Councilman" and "member of council" shall mean a person elected to the office of councilman as provided in this Charter.

(d) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

(e) "At large" shall mean the entire city, as distinguished from representation by wards or other districts.

(f) "Code" shall mean any publication or compilation or rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.

(g) "Elector" shall mean a qualified voter residing within the city, or non-residents of the city having a taxable freehold interest, and who are qualified voters for members of the general assembly at any place in Tennessee.

(h) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Section 3. Corporate boundaries. That the boundaries of the city shall be those fixed by Chapter 575, Private Acts of 1945, all Acts amendatory thereof and annexations made pursuant to general law.

Section 4. Miscellaneous city powers. That the city shall have power:

(a) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation.

(b) To levy and collect privilege taxes on businesses, privileges, occupations, trades, and professions, and to levy and collect any other kinds of tax not prohibited to cities by the Constitution or general law. A collection fee may be added to each such privilege tax.

(c) To levy and collect registration fees on motor vehicles operated within the city. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles.

(d) To appropriate and borrow money as authorized in this charter, and to authorize the expenditure of money for any municipal purpose.

(e) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift, or condemnation, for public use, for present or future use by the city, to reserve industrial sites, to provide open spaces, to encourage proper development of the community, or for the general welfare of the community. Such acquisitions may be within or outside the city.

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty (20) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service. Subject to regulation by the state or federal agency having jurisdiction in such matters.

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, cemeteries, markets and market houses, public building, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, city forests, tree and shrub nurseries, heliports, terminals, parking garage and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements inside or outside the city; and to regulate the use thereof; and for such purposes property may be either acquired or pursuant to laws of the State of Tennessee or under other applicable laws.

(h) To require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of snow, debris or other materials.

(i) To make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The city shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made.

(j) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(k) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts. City council by ordinance may prescribe the penalties and interest for delinquency.

(l) To define, regulate, and prohibit any act, practice, conduct, or use of property, that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace or general welfare of inhabitants of the city.

(m) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the city, and to provide for the enforcement of such standards.

(n) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(o) To regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provide by ordinance.

(p) To regulate and license vehicles operated for hire in the city, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(q) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty or forfeiture not to exceed fifty dollars (\$50.00) and cost.

(r) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans.

(s) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the Constitution or general laws of the State.

Section 5. Elections for mayor and councilmen. That:

(a) On the first Thursday of June, beginning in 1998, and on each four (4) year anniversary thereof a nonpartisan election shall be conducted by the County Commissioners of Elections, at the same hours and places for holding general elections

and under the general election laws of the State, to elect a mayor and seven (7) councilmen from the city at large. Any elector who has been a resident of the city for at least two (2) years may be qualified as a candidate by a nominating petition submitted to the County Commissioners of Elections not less than forty (40) days prior to the election, signed by at least twenty-five (25) electors.

(b) The nominating petition shall be prepared in substantially the following form:

"We, the undersigned electors of the City of \_\_\_\_\_, hereby nominate \_\_\_\_\_, whose residence is \_\_\_\_\_, for the office of councilman (mayor), to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and we individually certify that we are registered voters."

Name

Address

Date of signing

(c) Persons nominated may withdraw their nominations by written notice to the County Commissioners of Elections not later than twenty-five (25) days before the election. Names of candidates shall be listed alphabetically on the ballot; the residence addresses of candidates having the same or substantially similar surnames shall also be printed on the ballot.

(d) Each elector shall be entitled to vote for one (1) candidate for mayor and seven (7) candidates for councilman in each election. The candidate for mayor receiving the highest number of votes shall be declared to be elected. The seven (7) candidates for councilman receiving the highest number of votes shall be deemed elected. The terms of office of the mayor and councilmen shall begin at 12:01 p.m. on the first Monday in July next following their election, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election provided

it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the State.

Section 6. City Council; composition, compensation, expenses, meetings, quorum, and procedures. That:

(a) The seven (7) councilmen elected under this Charter shall compose the city council, in which is vested all corporate, legislative and other powers of the city, except as otherwise provide in this Charter.

(b) That the salary and compensation for the office of Mayor and Council members shall be set by ordinance, and council may from time to time adjust the compensation for the mayor and councilmen.

(c) The council shall meet regularly at least once every month at times and places prescribed by ordinance. The council shall meet in special session on written notice of the mayor or any three (3) councilmen and served on the other members of the council personally at least twelve (12) hours in advance of the meeting; provided, however, by consent of all the councilmen constituting the entire city council, all such councilmen being present and consenting thereto and noted on the minutes of said meeting. The notice of the time, place and purpose of any special meeting, the notice of the time, place and purpose of any special meeting may be waived and any business may be transacted at such meeting as the councilmen may by such mutual consent agree.

Unless all the councilmen constituting the city council are present and consent thereto, only business stated in the written call may be transacted at a special meeting. Informal meetings of the council may be held for the purpose of receiving information, exchanging ideas and conducting investigations. The council shall exercise its powers only in public meetings.

(d) A majority of the councilmen, duly qualified and serving as such shall constitute a quorum. Voting except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The council may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The council may subpoena and examine witnesses and order the production of books and papers.

Section 7. Mayor to preside over council, have veto power, be ceremonial head of city, etc. That the mayor shall preside at the meetings of the council, and shall have no vote. The mayor shall have power to veto ordinances passed by the council within five (5) days after final passage thereof with the mayor filing in writing such veto and the reason therefor with the city recorder, and a copy thereof furnished to each council member. The Council may override the mayor's veto by five (5) councilmen voting to override the same, either at the next regular meeting, or a special meeting called for that purpose. In no event shall a vote to override the mayor's veto be taken after the close of the next succeeding regular meeting of the city council coming after said veto is filed with the recorder. The mayor may waive his right to veto the ordinance after adoption by his written approval thereof, and written waiver of his right to veto said ordinance affixed to a copy of such ordinance and filed with the recorder.

The mayor shall be recognized as the ceremonial head of the city. He shall be the officer to accept process against the city, and shall perform duties imposed by this Charter and by ordinance not inconsistent with this Charter.

Section 8. Vice-mayor. That the council at any regular or special meeting regularly held, after the newly elected councilmen have taken office following each election, may elect from its membership a vice-mayor for a term ending concurrently with the term of the mayor. The vice-mayor shall perform the duties of the mayor during the absence or inability of the mayor to act.



Section 9. Vacancies in office of mayor and councilman. That a vacancy shall exist if the mayor or a councilman resigns, dies, moves his residence from the city, is convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude, fails to attend any meetings of the council for a period of ninety (90) days with no extenuating circumstances or has been continuously disabled for a period of ninety (90) days so as to prevent him from discharging the duties of his office. The council shall by resolution declare a vacancy to exist for any of the reasons set out herein, and any contest of the council's finding shall be determined by a Court of competent jurisdiction.

Any person removed from office for conviction of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the city for a period of ten (10) years thereafter.

In the event of a vacancy in the office of the mayor, the vice-mayor shall not automatically succeed to the office of mayor, but the council shall elect a mayor, who may or may not be a member of the council. The then vice-mayor shall continue as such vice-mayor, unless he is elected mayor to fill the unexpired term.

In the event of a vacancy in the office of councilman, for whatever cause, the council shall elect a councilman to fill the unexpired term.

At no time shall there be more than two (2) members of the council appointed to fill vacancies. If a vacancy occurs more than six (6) months prior to a regular election and while two (2) appointed members are on the council, a special election shall be held by the County Commissioners of Elections on the eighth (8th) Thursday following occurrence of the vacancy, at which election a councilman shall be elected to serve the unexpired term of the vacant office. The provisions in this article for regular elections shall govern special elections.

Section 10. Council to act only as a body; to deal with personnel through mayor. That the council shall act in all matters as a body, and shall not individually interfere in any way in the performance of the duties of the mayor or any other officer or employee. The council shall deal

with the various agencies, officers and employees of the city, except boards or commissions authorized by this Charter, solely through the mayor, and shall not give orders to any subordinates of the mayor, either publicly or privately. Nothing herein contained shall prevent the council from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary. The office of any councilman violating any provision of this Section shall immediately become vacant upon his conviction in a court of competent jurisdiction.

Section 11. Official city newspaper. That the council by resolution shall designate a newspaper of general circulation in the city as the official city newspaper for publication of official notices of the city.

Section 12. Requirements respecting ordinances, resolutions, and motions. That:

(a) Any action of the council having a regulatory or penal effect; relating to revenue or appropriations of money; awarding franchises or contracts over five thousand dollars (\$5,000); authorizing the borrowing of money, except as hereinafter provided, or as may be provided by general statutes of this state; conveying or leasing or authorizing conveyance or lease of any lands of the city, or required to be done by ordinance under this Charter or the general laws of the state, shall be done only by ordinance. Other actions of the council may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the council in advance of the meeting at which introduced. The enacting clause of ordinances shall be: "Be it ordained by the council of the City of Parsons." No action shall be valid or binding unless approved by the affirmative vote of at least four (4) members of the council. Any ordinance which repeals or amends existing ordinances shall set forth at length the section or subsections repealed or as amended. Every ordinance except an emergency ordinance must be approved on two (2) readings not less than one (1) week apart, at least one (1) of which must be a regular

meeting, unless one (1) such meeting is held after a public notice is given at least four (4) days in advance of a special meeting for action thereon stating the substance of such ordinance in the official city newspaper, in which event action at a regular meeting may be dispensed with. Ordinances, except an emergency ordinance, shall become effective five (5) days after final approval by the council, unless its terms provide a later date; provided, however, if the mayor waives his right to veto said ordinance as provided in Section 8 hereof said ordinance shall become effective immediately. Every ordinance, except codes adopted by reference as provided in subsection (c) below, shall be read in full on the first reading. The second reading may be by title only except that any amended provisions shall be read in full. Each resolution shall be read in full one (1) time and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on two (2) readings on separate days and become effective immediately, by the affirmative vote of five (5) members of the council and approved by the mayor, if the ordinance contains a full statement of the facts creating the emergency, but an emergency ordinance shall be effective for only ninety (90) days. Appropriations in excess of five thousand dollars (\$5,000); revenues, franchises, contracts, levy of taxes, borrowing money for longer than ninety (90) days, or special privilege shall not be passed as emergency ordinances. Borrowing of temporary funds to be repaid within six (6) months to pay current expenses set forth in the budget may be done only by resolution adopted by the vote of five (5) councilmen, and approved by the mayor.

(b) The council shall have the general and continuing ordinances of the city assembled into an official code of the city, a copy of which shall be kept currently up to date by the city and shall be available to the public. After adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section 2 (f), may be adopted by ordinances which contain only references to titles, dates, issuing organization, and such changes to the standard codes as the council may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city recorder. The general laws of the State shall be followed regarding publication of ordinances.

Section 13. City revenues to be used for public purposes only. That taxes and other city revenues are levied and collected for public purposes, and the use of such funds as donations or contributions to nongovernmental agencies or for private purposes is prohibited, but the council may contract with nongovernmental agencies for materials and services necessary to effectuate public purposes authorized by law.

Section 14. Governmental organization, appointment and removal of personnel. That the city government shall be organized into a department of finance, police and fire department, department of environmental improvement, transportation department and department of utilities, unless otherwise provided by ordinance. The council, upon proposal by the mayor, shall determine by ordinance the functions and duties of all departments and offices. The council, upon proposal by the mayor, may by ordinance, establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, may provide that the same person shall fill any number of offices and positions of employment and may transfer or change the functions and duties of offices, positions of employment, departments and agencies of the city, subject to the following limitations:

(a) the number of members and authority of the council, as provided in this Charter, shall not be changed,

(b) all officers and employees of the city, except as otherwise specifically provided in this Charter; shall be appointed and removed by and shall be under the direction and control of the mayor.

(c) the office of mayor shall not be abolished nor shall his powers, as provided in this Charter, be reduced,

(d) except as provided in subsection 19(a), the city judge shall not hold any other city office or position of employment, nor shall this office be abolished or its powers diminished. The mayor shall appoint the members of all boards and commissions, said appointment to be made with the approval of a majority of the council; the removal of all members of all boards and commissions shall be with a concurrence of a majority of the council. Members of boards and commissions shall continue in office until their successors have been appointed and approved.

Section 15. Mayor to be executive head of government, to enforce ordinances, to appoint and remove employees (or delegate such power to subordinates). That the mayor shall be the executive head of the city government, responsible for the efficient and orderly administration of the affairs of the city. He shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the city, and the city attorney shall take such legal actions as the mayor may direct for such purposes. He may conduct inquiries and investigations into the affairs of the city and shall have such other powers and duties as may be provided by ordinance not inconsistent with this Charter. The office of mayor shall be a full-time position and the council may from time to time by ordinance establish certain functions and duties of the office of mayor which are not inconsistent with this Charter.

Subject to provisions of this Charter, the mayor shall appoint and when he deems it necessary for the good of the people, may suspend or remove any employee of the City of Parsons, including any appointed officer or department heads provided for by or under the Charter. The mayor may delegate to any appointive administrative officer the power to appoint,

suspend or remove a subordinate in that officer's division, department, office or agency subject to such conditions and limitations such as he may prescribe.

Section 16. City recorder authorized: Powers and Duties. That the Mayor shall appoint, subject to the approval of the council, a City Recorder, and the Recorder shall have the following powers and duties:

(a) To keep and preserve the city seal and all official records not required by law or ordinance to be filed elsewhere.

(b) To attend all meetings of the council and to maintain a journal showing the proceedings of all such meetings, the councilmen present and absent, each motion considered, the title of each resolution and ordinance considered, and the vote of each councilman on each question. This journal shall be open to the public during regular office hours of the city, subject to reasonable restrictions exercised by the recorder.

(c) To prepare and certify copies of official records in his office. Fees for such services may be established by ordinance, to be deposited into the city treasury.

(d) To serve as head of the department of finance if appointed to this position by the mayor.

(e) To perform such duties as may be required by the council or by the mayor.

(f) To serve at the pleasure of the mayor, who may remove the recorder, without the approval of the council.

Section 17. City Attorney. That the council shall appoint a city attorney, and such assistant city attorneys as may be authorized by ordinance. The city attorney, or an assistant city attorney designated by him, shall be responsible for representing and defending the city in all litigation in which the city is a party; attending all meetings of the city council, advising the council, mayor and other officers and employees of the city concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds,

ordinances, resolutions, motions and other official documents; and performing such other duties as may be prescribed by the council or mayor.

Section 18. City Judge.

(a) That a city judge who shall constitute the city court may be appointed by the council to serve at the will of the council or for a term to be fixed by ordinance. He shall be not less than twenty-five (25) years of age. The mayor or other person designated by the council shall serve in the absence or incapacity of the city judge. At any time the office of city judge is left unfilled by the council the mayor shall serve as city judge.

(b) The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city, and costs in such trials shall be fixed by ordinance. The city judge shall have power to levy fines, penalties, forfeitures and costs. The sole compensation for serving as city judge shall be a salary fixed by the council, and all fees for actions or ceases in his court shall belong to the city and shall be paid into the city treasury. The compensation of the mayor for serving as city judge shall be fixed by the affirmative vote of not less than four (4) members of the council.

(c) The city judge shall keep a docket of all cases handled by him.

(d) The city judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the city shall attempt to influence his decision except through pertinent facts presented in open Court.

Section 19. Offices and positions must be provided for in budget: salaries to be in accordance with pay plan. That only the offices and positions of employment provided for in the annual budget, as approved by the council, shall be filled. Salaries for all positions shall be in accordance with a pay plan adopted by ordinance. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

Section 20. Appointment, promotion, removal, or suspension of personnel. That the appointment and promotion of employees of the city shall be on a basis of merit, considering technical knowledge required to perform satisfactorily, the work experience in the particular or similar line of work, and administrative or supervisory qualifications. Unless otherwise provided by this charter, the mayor shall have authority to make appointments, promotions and transfers, and to make demotions, suspensions, and removals of employees for reasonable cause, and may delegate such authority to department heads. Before removal, or suspension for more than fifteen (15) days, an employee shall be give a written notice of intention to suspend or remove him, containing a clear statement of the grounds for such proposed action and notification that he may appeal to the city council by filing within ten (10) days with the city recorder written notice of his intention to do so. After receipt of such notice, the council shall set a time and place for a public hearing on the matter, to be held within twenty (20) days thereafter. The votes of four (4) councilmen, shall be required to override the suspension or removal, and the action of the council shall be a final determination of the matter. A suspension may be with partial or entire loss of salary, but if the suspension is overruled by the council any loss of salary shall be paid to the employee.

Section 21. Supplementary rules and regulations governing employment. That the council may by ordinance adopt supplemental rules and regulations governing employment by the city, not inconsistent with the provision of this Charter.

Section 22. Officers' oath of office. That before a person takes any office in the city government, he shall subscribe to the following oath or affirmation, administered by any person authorized by law to administer oaths of office:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of \_\_\_\_\_ and that I will faithfully discharge the duties of the office of \_\_\_\_\_."



Section 23. Bonds for officers and employees. That the mayor and every officer, agent, and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by council, shall give a fidelity bond or faithful performance bond, as determined by council, with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by council. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bonds shall be paid by the city. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

Section 24. Business dealing between city and its officers or employees. That any city officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city, shall make known that interest and shall refrain from voting upon or otherwise participating as a city officer or employee in the making of such a contract or sale. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city council.

Section 25. Fiscal year. That the fiscal year of the city government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year unless otherwise provided by ordinance.

Section 26. Annual budget to be proposed by mayor. That not later than forty-five (45) days prior to the beginning of each fiscal year, the mayor shall submit to the council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) revenue and expenditures during the preceding year,
- (b) estimated revenue and expenditures for the current fiscal year,
- (c) estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue,
- (d) a comparative statement of the cash surplus (or deficit) at the end of the preceding year and the estimated surplus (or deficit) at the end of the current fiscal year, and
- (e) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the mayor or requested by the council.

The mayor may recommend and estimate receipts from additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. A sufficient number of copies of the mayor's message shall be reproduced to furnish a copy to any person desiring one. A copy of the budget in full shall be filed with the recorder for public inspection and a copy shall be furnished to each councilman.

Section 27. Capital improvements budget. That a capital improvement budget may also be prepared to include a description of projects recommended for the ensuing fiscal year and the five (5) fiscal years thereafter, the estimated cost of each project, and the recommendations of the mayor for financing the projects proposed for the ensuing year. The capital improvements budget shall be prepared by or reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the mayor to the council

concurrently with the annual budget. The council may accept, reject or revise the capital improvement budget as it deems desirable.

Section 28. Public hearing required on budget. That after receiving the mayor's proposed budget, the council shall fix a time and place for a public hearing thereon, and shall cause a public notice thereof and an announcement of where and when the full budget may be examined to be published two (2) times in the official city newspaper, the last such publication to be at least ten (10) days in advance of the date of the hearing. The public hearing shall be held before the council at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard.

Section 29. Council to adopt annual appropriation ordinance; amendments thereto; mayor to make monthly budget report. That after the public hearing and before the beginning of the ensuing fiscal year the council shall adopt an appropriation ordinance, based on the mayor's proposed budget with such modifications as the council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city declared by a vote of all members of the council. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this section. Amendments may be made to the original appropriations ordinances at any time during a current fiscal year by a majority vote of the council. Appropriations, except emergency appropriations as provided above, may be increased during the year only after the mayor certifies in writing that a sufficient amount of unappropriated revenue will be available. Any portion of an annual budget remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be subject to appropriation for the following year. Any balance remaining in any fund other than the general

fund at the end of a fiscal year may remain to the credit of such fund and be subject to further appropriations. At the end of each month the mayor shall submit to the council a budget report showing revenue receipts, encumbrances and expenditures for that month and for the fiscal year to the end of that month.

Section 30. Mayor to control expenditures. That the mayor shall be responsible for controlling expenditures of the various agencies of the city government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

Section 31. Purchasing. That:

(a) All contracts and purchases, except those reserved to the council by ordinance, shall be made by the purchasing agent appointed by the mayor, or by the mayor acting as purchasing agent. The purchasing agent may prescribe rules for emergency purchases to be made by department heads. Departments shall estimate their future needs and requisition items so that purchases in maximum quantities may be made. The purchasing agent shall prepare standard specifications for supplies and equipment and enforce such specifications, dispose of surplus or worn out supplies and equipment, store and maintain records of materials and supplies, and maintain records of city property.

(b) Purchases or contracts of more than five thousand dollars (\$5,000) shall require approval of the council. All purchases and contracts, except for minor items used infrequently or items which must be obtained immediately to avoid disruption of services, shall be by competition, subject to such regulations as may be provided by ordinance. Any expenditure or contract for more than five thousand dollars (\$5,000) shall be made only after sealed bids have been invited by notices published at least two (2) times in the official city newspaper and at the City Hall, the last such notice to be published not less than fifteen (15) days in advance of the date set for receiving bids. Purchases and contracts shall be awarded to the lowest responsible bidder, but all published notices

shall state that the city reserves the right to reject any and all bids. The council may waive the requirement to obtain bids when there is only one (1) source of supply or when such action is in the best interest of the city, providing the reasons for any such waiver are made a matter of record. Bid records shall be preserved for a period of not less than two (2) years. Bids need not be taken for professional services and services for which the rates or prices are regulated by public authority, nor shall competitive bidding be required for purchases from other governmental agencies.

Section 32. Void contracts. That any contract or agreement made in violation of the provisions of this Charter or ordinances of the city shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the city for the full amount so paid or received. A violation of this Section by any officer or employee shall be cause for his removal.

Section 33. Sale of obsolete, surplus, or unusable property. That the mayor may sell city property which is obsolete, surplus or unusable, after advertisement as provided in Section 32(b), by sealed bids or at public auction; provided, however, that any sale for more than one thousand dollars (\$1,000) or any sale of real estate shall be subject to approval by the council. The mayor may sell any item valued at less than one thousand dollars (\$1,000) without taking bids, but each such sale shall be reported to the council at its next meeting.

Section 34. Annual audit required. That within thirty (30) days after the beginning of each fiscal year the council shall employ an independent, certified public accountant to make an audit of all financial records of the city for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include determination of legality of transactions, mathematical accuracy of record, complete accountability and application of accepted municipal accounting principles. It shall be made in accordance with

generally accepted auditing standards and in conformity with generally accepted accounting principles. The audit shall be completed and a report, including a summary for publication, shall be submitted to the council within ninety (90) days after end of the fiscal year.

Section 35. Bid bonds and faithful performance bonds. That each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price. The council may waive these requirements for contracts under the amount allowed by state law.

Section 36. Property taxes and assessments authorized. That all property subject to taxation shall be subject to the property tax levied by the city. The council may elect to use county assessments, or may appoint a city assessor to assess all property subject to taxation except property assessed by agencies of the State of Tennessee. If assessments are made by a city assessor, the council by ordinance shall provide for a city board of equalization and the procedure for appeals of assessments thereto.

Section 37. Omitted property may be added to assessment rolls. That if county assessments are used the recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the city.

Section 38. Annual tax levy. That the council shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation, not later than ninety (90) days prior to the tax due date. In event of the council's failure to do so, the prior year's tax rate shall continue in effect.

Section 39. Property tax due dates, bills, delinquency, penalties and interest. Property taxes shall become due at the same time as provided by law for property taxes for Decatur

County, Tennessee. The city shall send tax bills to taxpayers, showing the assessed valuation, amount of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty, or interest thereon. Property taxes shall become delinquent at the same time as provided by law for Decatur County, Tennessee. Penalty and interest shall accrue on delinquent property taxes at the same rate and in the same amount as now or may hereafter be imposed by law upon delinquent property taxes for Decatur County, Tennessee.

Section 40. Collection of delinquent taxes. That the council may provide by ordinance for the collection of delinquent taxes by any lawful means or by the county trustee as provided by general law; or by the city attorney acting in accordance with general laws providing for the collection of delinquent city or county taxes; by garnishment; by suits in chancery; or by any two (2) or more of the foregoing methods; or by the use of any other available legal processes and remedies. If not otherwise collected, the city attorney, or other attorney designated by the council, shall file suit for collection of all delinquent taxes not later than eighteen (18) months following date of delinquency.

Section 41. Collection of city taxes by county. That the city may contract with the county for the collection of city taxes. The contract may provide for reasonable fees to be paid to the county for this service.

Section 42. Taxes, penalties, etc., may not be excused. That no officer or employee of the city shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the city, but errors may be corrected when authorized by council.

Section 43. Disbursements: signatures required for checks. That all disbursements, except for any agency of the city administered by a board or commission, shall be made by checks signed by the city recorder and countersigned by the mayor. The council may by resolution designate other officers to sign such checks in the absence or disability of the mayor or recorder.

Section 44. Official depositories for city funds. That the council shall designate an official depository or depositories for deposit and safekeeping of funds of the city, with such collateral security as may be deemed necessary by the council.

Section 45. Financial records. That the financial records of the city shall be established and maintained in general conformity with the accounts and procedures recommended by the Municipal Finance Officers Association or other nationally recognized authority on municipal accounting.

Section 46. Tax anticipation borrowing. That the council by resolution may borrow money in anticipation of taxes then assessed but not collected, but reasonably expected to be collected in the current fiscal year, or other funds reasonably expected to be received in the current fiscal year, for payment of current and necessary expenses, and which shall be repaid during the current fiscal year.

Section 47. Authority to contract and cooperate. That in addition to other powers granted by this Charter, the city council shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the Federal or State government, for the exercise of any power or function which the city is authorized to undertake by this Charter.

Section 48. Terms and provisions of contracts or agreements with other units of government, acquisition of property, etc. That the city council may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action. The parties to such a contract or cooperative action, or any of them, may acquire, by gift or purchase, or by the power of eminent domain exercised by one or more of the parties, the lands, buildings, and other property necessary or useful for the purposes of the contract or cooperative action, either within or without the corporate limits of one (1) or more of the parties and, and shall have the power to hold or acquire such property jointly. The city may provide for the financing of its share or portion of the cost of expenses of



such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

Such a contract also may provide for the establishment and selection of a joint commission, officer or officers to supervise, manage, and have charge of a joint service or protect, and may provide for the powers and duties, terms of office, compensation, if any, and other provisions relating to the members of such joint commission, officer or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

Section 49. Liability of officers acting pursuant to joint contract or agreement. That all public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this Article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

Section 50. Monies received from joint undertakings. That all money received pursuant to any such contract or cooperative action, under the provisions of this Article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of such contract or cooperative action.

Section 51. Charter provisions supplementary to general law. That notwithstanding any provision of this Charter, the city council may elect to operate under or adopt any general law or public act available to municipalities of the State, in lieu of or in addition to provisions of this Charter.

Section 52. Acts repealed. That when this Act becomes applicable as the Charter of the City (Town) of Parsons, Tennessee, the following Acts shall be repealed: Chapter 575, Private Act of 1945; Chapter 42, Private Acts of 1947; Chapter 905, Private Acts of 1949; Chapter 331, Private Acts of 1957; Chapter 185, Private Acts of 1961; Chapter 274, Private Acts of 1947; Chapter 184, Private Acts of 1961; Chapter 49 of the Private Acts of 1969;, Chapter 246 of the Private Acts of 1970; Chapter 273 of the Private Acts of 1978; and Chapter 170 of the Private Acts of 1984; and all conflicting laws or Acts.

Section 53. Severability clause. That if any article, section, subsection, paragraph sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intend in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

Section 54 . This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Parsons. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Parsons and certified to the secretary of state.

Section 55. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 54.